

**From:** Smith, Bob  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/28/02 5:57pm  
**Subject:** Microsoft

Please see the attached message concerning the litigation against Microsoft.

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<<USAGSmith\_Robert\_1013\_0114.doc>>

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**CC:** 'gephardt(a)mail.house.gov'

Robert R. Smith  
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Festus, MO 63028

January 28, 2002

Department of Justice  
Attorney General John Ashcroft  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Mr. Ashcroft,

While I believe that the recently negotiated settlement between Microsoft and the Department of Justice has gone too far, I also think that this suit is better settled. It is important for the IT community to move forward again. It is equally important for the IT community to trust that the government would allow the owners their right to enjoy the benefits that our wonderful country was built on, allowing each of us to exercise our skills and make money.

However, some of the terms of the settlement are a bit troublesome. Microsoft should not be forced to release some of its source code to third-party software developers. Doing so is no guarantee that this source code will not be used to develop some sort of Windows-type clone. My company writes applications that work on the Microsoft Windows platform, and we do so without any code from Microsoft that isn't already published. I don't need Microsoft's insight to their operating systems any more than the next developer. If we start demanding code from Microsoft, then Microsoft should be able to demand code from us, and I'm not willing to share mine either.

While innovation is the hallmark of the IT community, simply cloning software that does not carry with it the full expertise that the original software has is dangerous. There are issues like product confusion, reliability and support that may end up causing more confusion in the consumer's mind than did this lawsuit.

The very least that can be said, however, is that the litigation is apparently over, and this is a good thing. I am hoping that there will be no further federal action against Microsoft or any other IT company.

Sincerely,

MTC-00028319\_0002

Robert Smith  
Co-Owner

cc: Representative Richard A. Gephardt

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